

Application No. 10/089,593
Filed: August 6, 2002
TC Art Unit: 1734
Confirmation No.: 2476

REMARKS

The instant Amendment is filed in response to the official action dated January 7, 2004. Reconsideration is respectfully requested.

The status of the claims is as follows:

Claims 1-25 are currently pending.

Claims 5-13 and 17-25 are withdrawn from consideration.

Claims 1-4 and 14-16 stand rejected.

Claims 1-4 and 14-16 have been amended.

SPECIFICATION

The Examiner has objected to the disclosure for the reason specified on page 2 of the above-referenced Office action. The Applicant believes that the area of objection has been identified and addressed in the foregoing amendment. Accordingly, the Applicant respectfully requests that the objection to the disclosure be withdrawn.

CLAIM REJECTIONS

The Examiner has rejected claims 1-4 and 14-16 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

-12-

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Application No. 10/089,593

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TC Art Unit: 1734

Confirmation No.: 2476

which the Applicant regards as the invention. Specifically, the official action indicates that with respect to claims 1-2, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. The Applicant has amended claims 1-2 to omit the offending language therefrom. Accordingly, the Applicant respectfully submits that amended claims 1-2 satisfy the requirements of 35 U.S.C. 112 and therefore the rejections of the claims under section 112 should be withdrawn.

The Examiner has rejected claims 1-4 and 14-16 under 35 U.S.C. 102(b) as being anticipated by Wood et al. (USP 5,419,795). Specifically, with respect to base claim 1, the official action indicates that the Wood reference discloses a high slip packaging film, which is printed with ink and is considered capable of being printed with designs of shapes and dimensions that are predetermined when the material is applied to ceiling by hot-tensioning. The Applicant respectfully submits, however, that the Wood reference does not disclose prefabricated material in the form of one or more thin flexible polymer sheets for making hot-tensioned structures in respective frames, each hot-tensioned structure being encompassed by one of the respective frames to form a false ceiling or a false wall, as recited in amended claim

-13-

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Application No. 10/089,593
Filed: August 6, 2002
TC Art Unit: 1734
Confirmation No.: 2476

1. Accordingly, the Wood reference does not anticipate amended claim 1 and the claims dependent therefrom.

The Wood reference describes a packaging film (see column 1, line 6, to column 2, line 41; column 4, line 16; column 7, line 10; and, column 8, lines 13-18, of Wood et al.). More specifically, the Wood reference describes a packaging film for packaging food in connection with form fill seal machines (see column 1, lines 6-9, lines 36-38, and lines 52-57; column 2, lines 29-37; column 6, lines 65-68, relating to "sealability"; and, column 7, lines 8-10, relating to a "sealant layer", of Wood et al.). As disclosed by Wood et al., flexible packaging film for food must meet stringent requirements imposed by the particular food to be packaged, e.g., dimensional stability of the packaging film in both low and high temperature regimes to prevent distortion and warping of the package after filling (see column 1, lines 45-48, of Wood et al.). Such dimensional stability of the packaging film is disclosed in column 4, lines 3-8, of Wood et al. (i.e., the packaging film when heated at 96°C can have a free shrink as low as 5%).

In contrast, the subject matter of amended claim 1 relates to thin flexible polymer materials for use in buildings as, e.g., false ceilings or false walls (see page 3, lines 19-23, of the

Application No. 10/089,593
Filed: August 6, 2002
TC Art Unit: 1734
Confirmation No.: 2476

application). Typically, such false ceilings or false walls are not installed at ambient temperature because such a temperature would require the installer to exert a significant amount of physical force to stretch the material to complete the installation, especially when installing false ceilings/walls that cover large areas (see page 3, lines 5-8, of the application). Conventional techniques of installing tensioned ceilings covering large areas have drawbacks in that any images printed thereon can become distorted (see page 3, lines 9-14, of the application). For this reason, conventional false ceilings/walls are usually provided in the form of suspended slabs or tiles, in which each slab/tile printed with an image covers a relatively small area.

The Applicant respectfully submits that the Wood reference neither teaches nor suggests using the packaging film disclosed therein as a false ceiling or a false wall, as recited in amended claim 1. Not only does the Wood reference disclose nothing about prefabricated materials for use as false ceilings/walls, but the Wood reference also teaches away from such prefabricated materials. For example, as mentioned above, false ceiling or false walls are rarely installed at ambient temperature due to the extreme physical force that would have to be applied to the material during installation. For this reason, the prefabricated

-15-

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Application No. 10/089,593

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TC Art Unit: 1734

Confirmation No.: 2476

material recited in amended claim 1 is employed in a hot-tensioned structure to facilitate its tensioning and use as a film for stretched ceilings.

However, as also mentioned above, the packaging film of the Wood reference is disclosed as having good dimensional stability at high temperatures. Such a material that maintains good dimensional stability at high temperatures would not be easily stretched to facilitate its installation as a false ceiling or false wall. Clearly, Wood et al. did not contemplate employing their packaging film for making hot-tensioned structures in respective frames, each hot-tensioned structure being encompassed by one of the respective frames to form a false ceiling or a false wall, as recited in amended claim 1.

It is further noted that the packaging film described in the Wood reference is a thermoplastic laminate comprising various polymers such as polyethylene (PE), ethylene vinyl acetate copolymer (EVA), and ethylene vinyl alcohol polymer (EVOH) (see column 2, line 45, and column 7, lines 43-48, of Wood et al.). The Wood reference does not describe a prefabricated material comprising thermoplastic polymers including plasticized polyvinyl chloride and polymers derived therefrom as superchlorinated vinyl chloride, polyvinylidene chloride, and copolymers of vinyl

-16-

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Application No. 10/089,593
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TC Art Unit: 1734
Confirmation No.: 2476

chloride and polyvinylidene chloride, as recited in amended claim 2.

For at least the reasons discussed above, the Wood reference does not anticipate amended claims 1-2 and the claims dependent therefrom. Accordingly, the Applicant respectfully submits that the rejections of claims 1-4 and 14-16 under 35 U.S.C. 102 are unwarranted and should be withdrawn.

The Examiner has rejected claims 1-2 under 35 U.S.C. 102(b) as being anticipated by Nassof (USP 3,782,495). Specifically, the official action indicates that the Nassof reference discloses a plastic film for forming a ceiling tile that can be printed. The plastic film is considered capable of being printed with a shape having predetermined dimensions once the film is hot-tensioned.

The Applicant respectfully submits, however, that the Nassof reference does not disclose prefabricated material in the form of one or more thin flexible polymer sheets for making hot-tensioned structures in respective frames, each hot-tensioned structure being encompassed by one of the respective frames to form a false ceiling or a false wall, as recited in amended claim 1 (see also page 4, line 36, to page 5, line 3, and Fig. 1, of the application). Clearly, the area encompassed by the frame 13 of each ceiling tile 12 is too small to form a false ceiling or a

-17-

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Application No. 10/089,593
Filed: August 6, 2002
TC Art Unit: 1734
Confirmation No.: 2476

false wall (see Figs. 1-2 of Nassof). In fact, not one but many framed ceiling tiles 12 are required to form the ceiling 10. Such conventional ceiling tiles are described on page 3, lines 15-18, of the application.

Because the Nassof reference does not describe a prefabricated material in the form of one or more thin flexible polymer sheet for making hot-tensioned structures in respective frames, each hot-tensioned structure being encompassed by one of the respective frames to form a false ceiling or a false wall, as recited in amended claim 1, the Nassof reference does not anticipate amended claim 1 and the claims dependent therefrom. Accordingly, the Applicant respectfully submits that the rejections of amended claims 1-2 under 35 U.S.C. 102 are unwarranted and should be withdrawn.

The Examiner has rejected claims 3-4 and 14-16 under 35 U.S.C. 103(a) as being unpatentable over Nassof as applied to claims 1-2 above, and further in view of Wood et al. The Applicant respectfully submits, however, that the official action fails to establish a *prima facie* case of obviousness, and therefore the rejections of the claims 3-4 and 14-16 under 35 U.S.C. 103 are improper and should be withdrawn.

-18-

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Application No. 10/089,593
Filed: August 6, 2002
TC Art Unit: 1734
Confirmation No.: 2476

It is well settled that the mere fact that the prior art may be combined in the manner suggested in the official action does not make the combination obvious unless the prior art suggested the desirability of the combination. The Applicant respectfully submits that the combined teachings of the Wood and Nassof references, taken as a whole, do not suggest the combination to one of ordinary skill in the art, and therefore the rejections of the claims under section 103 are unwarranted.

Specifically, the instant application addresses the problem of installing tensioned ceilings or walls covering large areas without distorting images printed on the ceilings/walls (see page 3, lines 9-14, of the application). The instant application teaches a method of solving this problem by providing one or more thin flexible polymer sheets in a respective frame that encompasses approximately the total area of the ceiling/wall. The flexible polymer sheet carries direct printing of designs of shapes and dimensions that are predetermined once the material is hot-tensioned, as recited in amended claim 1.

In contrast, the Nassof reference focuses on problems associated with conventional ceiling tiles, e.g., their appearance, weight, manufacture, installation, etc. The Nassof reference fails to address the problem of installing printed

Application No. 10/089,593
Filed: August 6, 2002
TC Art Unit: 1734
Confirmation No.: 2476

tensioned ceilings/walls covering large areas. Significantly, each framed ceiling tile 12 formed by the plastic film disclosed by Nassof covers just a small fraction of the ceiling 10 (see Fig. 1 of Nassof). Clearly, one framed ceiling tile 12 may not be used to form a false ceiling or a false wall. Instead, many framed ceiling tiles 12 would be required to form the false ceiling/wall such as the ceiling 10. In addition, the Wood reference focuses on the problem of making a thermoplastic laminate suitable for the packaging of food and other products (see column 2, lines 30-32, of Wood et al.). The Wood reference is completely unconcerned with the problem of installing printed tensioned structures covering large ceiling or wall areas.

Because the instant application and the Nassof and Wood references address significantly different problems, one of ordinary skill in this art would not be motivated to combine the cited references, as suggested in the official action. Because of this lack of motivation to make the suggested combination, the official action fails to establish a *prima facie* case of obviousness. Accordingly, the Applicant respectfully submits that the rejections of claims 3-4 and 14-16 under 35 U.S.C. 103 are unwarranted and should be withdrawn.

-20-

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SMALL ENTITY STATUS


Small entity status is entitled to be, and hereby is, asserted for this application.

In view of the foregoing, it is respectfully submitted that the present application is in a condition for allowance. Early and favorable action is respectfully requested.

The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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-21-

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